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Updates on Hong Kong's Pesticides Regulation

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Report Highlights:

The Hong Kong government (HKG) continues to prepare its new pesticide regulations with the goal of enacting the necessary legislation in early 2012. At a recent open forum, the HKG reported that its desire is for the final outcome to be pragmatic and not trade restrictive while still protecting public health. Currently, the government plans to submit its latest proposal to the Legislative Council's food panel for discussion and to conduct a 60-day public consultation beginning in July. The government will propose a two-year grace period for the new regulation. U.S. industry is encouraged to submit comments.

Summary

The Hong Kong Government (HKG) updated the trade on the legislative preparation for Hong Kong's first pesticide regulation at a public forum held on June 22. Key issues covered included:

1. Hong Kong would take a “modified positive” list approach. Thus, any pesticide found not on the Hong Kong list will be subject to a risk assessment before determining if there has been any contravention of the law with the pesticide in question being allowed during the risk assessment period.
2. The pesticide regulation legislative proposal will be forwarded to Legislative Council for discussion in July 2011 before its introduction into the legislative process by the end of 2011. According to this schedule, the new regulation will be enacted in early 2012.
3. A two-year grace period will be provided to the trade once the legislation is passed before any punitive actions would be taken.
4. The HKG encourages the trade to provide comments on the proposed specific MRLs and food classification as soon as possible. A government official elaborated that they will follow Codex MRLs with little flexibility in any modification. However, they are open to consider and incorporate MRLs which are not on the Codex list but approved for use by competent authorities. To this end, they encourage the industry to write to them and draw their attention to any widely used pesticides which are not yet on Codex list.

Highlights of the Issues Discussed at the latest Public Forum

The HKG staged another public forum on June 22 summarizing their latest thoughts on the pesticide regulation after collecting views with different stakeholders over the past few months. A summary of the discussions are provided below.

1. Hong Kong would adopt a “modified list” rather than a strict “positive list” approach. Any pesticide found not on the HKG list will be subject to a risk assessment before determining if there has been any contravention of the law. During this risk assessment period, the products in question would not be banned and the trade would not be notified at all. This measure is designed to provide flexibility to the regulation.
2. The HKG gave a slightly more specific timeline on moving forward. It plans to begin its consultation with the Legislative Council's Panel on Food Safety and Environmental Hygiene on July 12. At the same time, the HKG will initiate a 60-day public comment period. If the proposal obtains positive feedback and support from Panel Councilors and the public during the consultation period, the HKG will introduce the proposed regulation to Legislative Council for vetting by the end of this year, with some possible fine tuning of the proposal in response to comments.

Members of the Legislative Council will have a maximum of 49 days to scrutinize the regulation

once it is introduced for legislative process. Therefore, if all follows the planned schedule, Hong Kong's first ever pesticide regulation will be passed in early 2012.

3. There will be a two-year grace period once the legislation is passed before any punitive actions would be taken. This measure will allow the trade to have time to cope with the changes.
4. The Center for Food Safety also plans to update the MRLs over this grace period. However, at this stage officials could not provide exact process by which they will incorporate new MRLs during this period.
5. Interested parties will also be allowed to submit pesticides and MRLs for inclusion on the list, but it will be done on a cost recovery basis. Application results will depend on HKG's risk assessments.
6. HKG officials reiterated their intention of maintaining stable food supply and not impacting trade provided that public health is protected. They urged the trade to comment on the proposed MRLs and food classifications to them as soon as possible for their consideration for possible incorporation into the final legislation. Submissions of views could be sent to rc@fehd.gov.hk or (fax) 852-2893 3547.

Background

Hong Kong is about to introduce its first pesticide regulation. In developing its first ever maximum residue limits (MRLs) for pesticides, Hong Kong will adopt MRLs developed by Codex, supplemented in priority sequence by those of China, the U.S. and Thailand. While the Codex standard will be closely followed, the MRLs of all referenced countries would be considered based on risk assessments and practicality.

While the HKG will continue to incorporate updates of Codex's MRLs even after the enactment of the regulation, they do not commit themselves to keeping abreast with future developments of MRLs of any referenced countries including those of the United States. However, they will provide flexibility in the pesticide regulation by allowing the submission of applications for additions to the list or revised MRLs on a cost recovery basis.

In order to incorporate all Codex's updates and Hong Kong-approved additions to the pesticide list on a timely basis, the HKG intends to create a provisional list including all these potential additions. HKG's current thinking is to allow pesticides on the provisional list to be used even though they have not yet been updated in the legislation.

Additional Information

More information can be retrieved from the following GAIN reports:

(HK1106) Hong Kong Plans for New Pesticide Regulation in Late 2011 dated March 8, 2011
and

(HK1112) Preliminary List of Proposed Pesticide MRLs and EMRLs Available dated April 4, 2011.